Application No. 10/532,388

from International Application No. PCT/US03/033362

LA. filing date: October 20, 2003

this amendment, claim 242 has been amended to correct for the antecedent basis in this case. Claims 236, 238, and 240-249 are currently pending and are under examination.

reconsideration in light of the following remarks Applicants respectfully request entry of the above amendment and reexamination and

1. Claim rejections under 35 USC § 103(a)

unpatentable over Newmark, et al. (US patent 6,391,346; "Newmark") and Babish, et al. (US 2002/0068098, "Babish") and as evidenced by Hill et al. (GB 2,336,363; "Hill"). Applicants traverse this rejection Chains 236, 238, and 240-248 stand rejected under 35 USC § 103(a) as being

administered composition for reducing inflammation comprising a hops extract; further asserting extracts of hops, absent additional processing, contain alpha and beta acids and not composition of Newmark would be expected to comprise tetrahydoisohumulone is in error. CO: evidenced by Hill). The Applicants respectfully maintain that the Examiner's assertion that the that the composition of Newmark would be expected to comprise tetrahydoisohumulone (and as extracts of hops as commercially available from Hopsteiner S.S. Hopsteiner, Inc., N.Y., USA., tetrahydroisohumulone, a reduced isoalpha acid as evidenced by the product page for a CO2 antimilanmatory properties and Hill fails to correct these deficiencies copy attached). Newmark neither teaches nor suggests that the reduced isoalpha acids have any The Examiner cites (Action: page 4, 2nd paragraph) Newmark as teaching an orally

reduction of isomerized alpha acids to form tetrahydroisoalpha acids. Hill falls to teach that the the invention may be practiced using alpha acids (see page 2, lines 5-6). Hill only exemplifies the therby failing to correct Newmark's defectioncies in this matter. The Applicants maintain that the tetrahydroischumulones produced by their methodology have any antiinflammatory properties Hill is directed to methods for hydrogenation of hops acids. While Hill merely states that

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similarity. Or consider the difference between salicylic acid its reduced congeners may be derived from the alpha acids of hops is insufficient to infer that alpha acids and reduced adhumulone, hexabydro-isohumulone, hexabydro-isocohumulone, and hexabydro-adhumulone) dihydro-adhumulone, tetrahydro-isohumulone, tetrahydro-isocohumulone, tetrahydrosalicylaldehyde, are potent allergens. The Applicants maintain that this example fully illustrates hydride e.g., LiAlH4 or NaBH4) the resulting reduced products, salicylic alcohol & (non-steroidal anti-inflammatory drug). However upon reduction (using an appropriate metal salicylaldchyde and salicylic alcohol. Salicylic acid is a well-known and widely used NSAID same material, i.e., carbon, but each has disparate properties which can not be inferred by their isoalpha acids have similar properties. For example, consider coal and a diamond. Both are the mere fact that the reduced isoalpha acids (dihydro-isohumulone, dihydro-isocohumulone and salicylaldehyde in aspen bark (Populus tremula)," Contact Dermatitis, Vol. 52(9)2: 93-95 attention is directed to see Aalto-Korte et al., "Allergic contact dermatitis from salicyl alcohol compound need not have similar biologic activities and as such are not obvious. The Examiner both that even compounds of similar structure or compounds derived from reduction of a parent (2005), for a description of this phenomenon.

combine Babish with Newmark to produce the instant invention. The Applicants disagree as required by the instant case. The Examiner asserts that it would have been obvious to ursolic acid. However, as the Examiner points out, Babish fails to teach tetrahydroisohumulone inflammatory response in animals wherein the composition comprises, in part, ofeanoicl acid and request the withdrawal of the rejection of Claims 236, 238, and 240-248 under 35 USC § 103(a) the reduced isoalpha acids have anti-inflammatory properties. As such, Applicants respectfully insofar as Babish fails to correct the deficiencies of Newmark by failing to teach or suggest that The Examiner next cites Bubish as teaching a composition for inhibiting the

Applicants traverse this rejection 2002/0068098; "Babish") and as evidenced by Hill et al. (GB 2,336,363; "Hill"). unpatentable over Newmark, et al. (US patent 6,391,346; "Newmark") and Babish, et al. (US Claims 236, 238, and 240-249 stand rejected under 35 USC § 103(a) as being

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respectfully disagree normalize joint movement and reduce the symptoms of osteoarthrius. The Applicants one of skill in the art would have been motivated to use glucosamine (or chondroitin sulfate) to Babish teaches that the composition further comprises glucosamine. The Examiner applies Newmark and Babish in their entirety as to Claims 236, 238, and The Examiner notes that Newmark fails to teach the use of glucosamine whereas The Examiner asserts that

nothing in Newmark, Hill, or Babish teach or suggest the instant invent and as such, Applicants correct this and further fails to produce the instant invention, glucosamine as to normalize joint movement and reduce the symptoms of osteoarthritis fails à-vis the use of reduced isoalpha acids as anti-inflammatories. respectfully request the withdrawal of the rejection of Claims 236, 238, and 240-249 under 35 USC 8 103(a) As discussed previously, Babish and Hill fail to correct the deficiencies of Newmark vis-The Applicants maintain that The use of Babish as

II. Double Patenting

27, and 152-154 of US Patent Application No. 10/464410 obviousness-type double patenting over Claims 1, 6-10, and 13-15 of US Patent Application No. 10/557293; Claims 1-8 of of US Patent Application No.11/729696; and Claims 1, 9, 13-14, 18-Claims 236, 238, and 240-249 are provisionally rejected under the doctrine of

disclaimers linking the instant case to the cited cases The Applicants accept the Examiner's determination and herein provide terminal

II. CONCLUSION

that amended Claims 236, 238, and 240-249 are in condition for allowance. Passage to issue is respectfully requested On the basis of the foregoing remarks and amendments, Applicants respectfully submit

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I.A. filing date: October 20, 2003

connection with filing of this paper to our Deposit Account 50-1133. number shown below. The commissioner is hereby authorized to charge any fees required in Examiner's amendment, the Examiner is requested to call Applicant's agent at the telephone If there are any outstanding issues that might be resolved by an interview or an

or future reply requiring a petition for an extension of time under paragraph 1.136 for its timely length of time pursuant 37 C.F.R. § 1.136(a) regardless of whether a separate petition is submission, as constructively incorporating a petition for extension of time for the appropriate Deposit Account 50-1133. Furthermore, such authorization should be treated in any concurrent included herewith. Pursuant to 37 C.F.R. § 1.136(c), the Examiner is authorized to charge any included. fee under 37 C.F.R. § 1.17 applicable in this instant, as well as in future communications, to A Request for a Three (3) Month Extension of Time, up to and including April 1, 2011 is

Respectfully submitted,
McDERMOTT, WILL & EMERY, L.L.P.

Dated: April 1, 2011

Alabak R. Royace, Reg. No. 59,037 McDERMOTT, WILL & EMERY, LLP

Signi Signi

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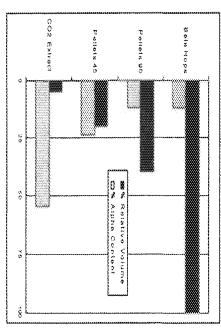
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*** OKOTKOS

- supercritical conditions. produced by extraction of hop pellets using carbon dioxide under liquid or Extract is an extract of hops
- or hop pellets. complete replacement for kettle hops normally beta-acids and essential oils and is 000 Extract contains alpha-acids, used S Ø partial <u>م</u>
- alternative to the use of hops or hop CO₂ Extract is an extremely stable, convenient and concentrated

Reduction in Bulk of a 12% Alpha Hop by Changing to Processed Hop Products



** Specification:

Description: A golden to amber, semi-fluid syrup or paste

Variety specific; typically c. 35% for an aroma hop and >50% for a high

alpha hop.

Alpha-acids:

mota-acids: Variety specific; normally in range 15 - 40%

HOP OHS: Variety specific; typically 3-12%

Density: Typically 0.9 - 1.0 g/ml

S.S.Steiner, Inc. New York, USA Tel: (1) 212 838 8900 Fax: (1) 212 593 4238

Mainburg, Germany Tel: (49) 8751 8605-0 Fax: (49) 8751 8605-80 Fax: (86) 756 229 5644 Simon H. Steiner, Hopfen, GmbH

Steiner Hops Ltd Epping, England Tel: (44) 01992 572331

Steiner Asia Ltd Zhuhai, PRC Tel: (86) 756 229 5643 (44)

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Troperties

Appearance:

A golden or amber thick syrup which becomes more fluid on warming.

Ctilisation:

of corresponding Type 90 Pellets, typically in the range 32 - 38%. Late additions may have utilization of the á-acids into the beer than that utilizations as little as one half of these values. normally Early addition of CO2 Extract to the wort boil results ij ω fractionally nigher

Flavor

are maintained. Therefore, early addition of CO2 with aromatic "late hop" character proportion of the volatile oils resulting in a beer Extract to the kettle imparts mainly bitterness, The brewing characteristics of the original hops late addition allows Cary over Ç

Stability:

correctly stored. Particularly, the hop oils are preserved in the condition as they were in the 000 hops at the time of extraction. Extract Ω̈́ exceptionally stable ₹nen

Chemical Residues:

also largely removed by CO₂ extraction. Nitrates and heavy metals are significantly reduced in CO₂ Extract. Pesticide residues are

Silend Orally:

Fax: (1) 212 593 4238 New York, USA Tel: (1) 212 838 8900 S.S.Steiner, Inc.

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Mainburg, Germany Tel: (49) 8751 8605-0 Fax: (49) 8751 8605-80 Fax: (86) 756 229 5644 Simon H. Steiner, Hopfen, GmbH

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E-mail: Mainburg@hopsteiner.de

accredited standards. All Hopsteiner® products are produced in plants to internationally accepted quality

* Packaging

000 requirements: 200 Extract can be packaged in cans, pails Surve according õ customer

Drums: 50 & 200 kgs (110 - 441 lb) Cans: 0.5 to 4 kgs (9 lb); 0.5-6 kgs Germany Pails: 3 to 20 kgs (6.5 - 44 lb); USA only

their extract packed in alpha per can). For convenience of use, customers may have content of á-acids per container (e.g. cans to any desired 450 g

concentration using alpha in 1-kg cans). container filled to a standard weight (e.g. 30% glucose Alternatively, the á-acids content of CO2 Extract cannot standardized O O glucose guaranteed) ö syrup ÁUB particular о С С (non-GM †

* Trocerc Con

partial replacement for hops or hop pellets. Typically used in the kettle as a complete 2

Dosage:

hop pellets. Actual utilization will vary from brewery to brewery depending on plant and slightly better than that achieved with hops or assumption that the utilization is likely to be process conditions. Addition to the kettle is based on the aacids concentration in the CO₂ Extract and the Actual utilization will vary the e

Tel: (86) 756 229 5643 Steiner Asia Ltd Zhuhai, PRC (44) 01992

Section:

gosing 30°C (82°F) and gently mixed to ensure perfect automatic dosing units, it should be warmed to However does not need to before kettle cast. extract should be added not less than 5 mins. likely losses caused by protein precipitation, the product is best added 10 mins, after the start of boiling. For imparting "late hop" character, added early in wort boiling. However, owing to For the best utilization CO2 Extract should be should CO2 If extract is used in cans, it be warmed prior to use Extract be used

Storage:

000 containers should be used within a few days. containers mxtract ct \$0<u>00</u>€ should be 2°0 stored (50°F). Ī Opened sealed

Safety:

soap and water or proprietary hand cleansers. If attention. excess water until clear and seek medical CO2 Extract gets into the eyes, irrigate with contact with the skin should be washed off with precautions to avoid contact with skin and, 0 CO₂ Extract is a natural, non-toxic substance particularly, may be eyes. Any material coming safely handled using routine Ē

relevant Steiner material safety data sheet. safety information please 900

Analytical Methods

0 Concentration of a- and a-acids:

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Steiner Hops Ltd

Epping, England Tel: (44) 01992 572331

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standard, normally according to the method. ASBC spectrophotometric EBC 7.6 (LCV) can also be used measured The concentration of these hop resin acids is by HPLC spectrophotometric gnisu <u></u> current ICE EBC 7.8 method

Concentration of Hop oils:

the following methods - IOB 6.3 or ASBC hops-Hop oil concentration is normally measured by

** Technical Support

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- Copies of all relevant analytical procedures
- Material Safety Data Sheets (MSDS)
- O Assistance with pilot or full brewery trials
- Specialist analytical services

PDS 05/2 issued 15-Jun-00

Tel: (86) 756 229 5643 Steiner Asia Ltd Zhuhai, PRC

(44) 01992

Alergic contact dermatitis from salicyl alcohol and salicylaldehyde in aspen bark (Populus tremula)

Section of Dermatology. Finnish Institute of Occupational Health, Heisinki, and Turku Regional Institute of Occupational Health, Turku, Finland Kristina Aalto-Korte[†], Jarno Välmaa[‡], Maj-Len Hinriks-Bererman² and Bitta Jolanki

balkam of Peru (Myroxylon percinae rosin), aspen wood dust and an actifact prapared from the bark of sages. (Populin Permid). Weaker reactions were observed to bark extracts of rowan (Surbus aucuparia), ten leaved willow (Salls plydingfolin) and goal willow (Salls capred). We analyzed salloy alcohol and salloylaldchyde in the bark extracts and found the 2 chemicals in equal amounts, about 19 pp/mg in aspen bark and in lower consentrations in rowan and the willow. We did not find either of the chemicals in the sex substance of balsam of Peru (Myroxylon percents. We did not faithful of the chemicals also recommunicated to be used to societa for contact allorgy to aspen. Built also the contacts should be tested in forest workers in arous where aspen is genwing. Sulky) alcohol or 2-methylolphemol is a well-known allergen in phenol-formaldehyde resins and a strong sensitive in gaines pigs. There is I previous report of albryle contact demantic from salicyl alcohol in uspen hark. We describe a second onto with corrosminan allergy to salicylaidehyde. An elk researcher who had handled leaves from various trees presented with accents of the hands, face, from various, trusk and extremities. Patch trains showed conditivity to salicyl alcohol, salicylaidehyde,

Key words: sspen, balsam of Poru, CAS 8007-09-9, CAS 90-01-7, CAS 90-01-8, https://bin pereirae, occupational, Populas trenula, salicyl slochol, salicylaldehyde, © Blackwell Munksgaard,

Accepted for publication 22 November 2004

Sulley) alcohol (2-hydroxybenzy) alcohol, 2-methyloiphenol, CAS (0-01-7) is a crystalline substrance that has been used as a crystalline alcohol, chloroform and other) and had vater and sulleys colorion and other) and had vater and sulleys considering to the phenol-formaldehyde resins (2, 3). It is a strong sensitizer according to the altergic connect demandular formalities freely alcohol in expen bark has been diagnosed previously at Finnish Institute of Occupational Health (F10H) (3). Salicyballehyde (2-hydroxyl-paradehyde, CAS 90-02-8) is an only liquid whith an islandad, like odour, slightly soluble in water, and it is used in perfumes and as a flavouring agent in food product, slightly soluble in water, and it is used in perfumes and as a flavouring series of patich, chlyde and salicyl alcohol are chemically closely related, and salicyl alcohol are chemically closely policyle, and as a patients with contact allergy to phenol-formal-behyde resta (2, 3).

Case Report

Our patient was a 58-year-old elk researcher with no history of atopy. In 1993, he developed examing in his five and fingers during a field experiment in the forest, when he gathered masses of leaves of various conferous and deciduous trees with his bare hands. The occama spread to his fiexures, trunk and extremities like atopic dermaditis but had a candency to heal during periods of working indoors.

In 2002, he had an allergic reaction to baisain of Feru (Myroxylon perpirac rosin) on patch testing in a local hospital. He had had some skin tribution from alcohol-containing deciderants but no symptoms from after thave lottons or other cosmetic products containing fragrances.

other cosmetic products containing fragrances. In 2004 at FIOH, patch testing with the standard, fragrance and plant series showed allergic reactions to balsam of Peru (+) (Trojabe), salicyl ilcohol (++, 2% sq. prepared from 2-methylolphonol) (Atdoch, Steinheim, Germany) and salicyl cylindehyde (+, 2% pet) (Trojabe). After the positive reaction to sulleyl alcohol was obtained,

and willows, sawing the same wood species and using a lawn mower in an area where aspen sapings were growing. In September 2004, palm patient had pesicular eccents on the right palm after handling twigs of dark-leaved willow (Switz myrshufolia) with his bare hands. right at room temperature and used for patch testing on the following day. The results are summarized in Table I. Some wood dusts (fine sunding dusts) moistened in Finn Chumbers with water were also patch tested (Table I). Prick tests with common environmental allergens. we asked him to bring samples of the trees he had handled. In February, there were no caves on the trees, below he brought small (wigs of various deciduous trees (Table I). Ultrasome extracts from the banks of the small twigs were propared by extracting about 500 mg of bank (the outer dark layer and the green layer beneath the dark layer) with 10 ml of sterile water in an ultrasomic both for 30 min (I). The extracts were jell overcisted with contact with broken burk of aspen and wood dusts were negative. follow-up, the skin symptoms were asso-

The wood dusts and ultrasonic extracts used in

Chemical Analyses

patch tests were analysed for their salicyl

detector and an external standard method as previously described (1). Accorately weighed amounts (about 100 mg) of the world dusts were extracted for 2 × 15 min in an ultrasonic bath containing 10 ml of distilled water at room temperature. The sample solution water at room temperature, the sample solution to high a room temperature. The sample solution should be sample solution single solution and salicylaldehyde were 0.001 µg/mg and 0.003 µg/mg, respectively. The results are summarized in Trake 1 Table 1. alcohol and salicylaldehyde content by high-performance liquid chromatography with a DV detector and an external standard method (35% pet.) was analysed by gas chromatography with a mass-specific detector, and neither of the 2 substances were found (detection limit 0.01% The patch test preparation of balsam of Peru

Table I Warnite of the nately tests and chemical analyses of the nately test reductanes mand direct and photocomic extracts of mand barks

Wood species	Ultrasonic extract of the back			Wood dust		
	Patch test D3	Salicy) alcohol µg/ml (µg/mg bark)	Salicylaidebyde pg/m² (ug/mg bark)	Patch test DS	Salicy! alcoho! (ug/mg)	Saticyialdrbydi (pg/mg/
Aspes, Populus iromilo	44	42 (0.2X)	44 (0.92)	ý.	0.27	6.007
Roman, Sorbar mouparin	4	6.17 (0.0037)	6.5 (0.14)	**	<0.005	6.625
Tex-kavet willow, Salix phylleifolia	*	9.3 (0.17)	<0.15 (<0.0028)	M	ND -	ND
Goet willow, Solix capres	4	11 (6.18)	9.6 (0.16)		0.049	< 9.022
Derk-keeved willow, Lolix myezinifelia		23 (00.642)	\$.86 (0.16)	NI	KD/	MD
Grey alder, Alms incom		<0.05 (<0.00)	1.3 (0.030)	NT	ND	NO.
Silver wilkow, Salix sildrica	M.	NO	MD	w.	0.072	<0.018
Common slåm, Alma gladinasa	NT	ND	ND	т,	<0.007	<0.020
Oak, Querous rodur	NT	M	ND	**	<0.003	0.053

ND=not determined; NT = not tested.

Aspen leaves are the main nutrition of cik, our patient's main interest in his research work. Elk are the largest existing deer (Alces alces) of Europe and Asia. When the sozema appeared during

Discussion

his work in the forest, he had also handled many other species of trees, including rowan, sider and various willows. The ultrasonic extract of aspen

[&]quot;Salicylaidebyde degrades slowly in water solution, and its concentration is only indicative.

The high concentration may be due to a co-cloring compound.

The corresponding concentration in the back is given in purenthesis.

other tree species. The patch test reactions to the bark extracts were mainly in line with their content of salicyl alcohol and salicylaidehyde. Only the extract of dark-keaved willow was negative in spite of its apparent relatively high content of salicylaidehyde. On follow-up, the patient of salicylaidehyde. On follow-up, the patient also developed skin symptoms from this bark contained much more salicyl alcohol and salicylaidehyde than the bark extracts of the dust. dust also explained the positive reaction to the species. The high salley! alcohol content of aspen

The fresh plant material contains salicyl alcohol and salicyladehyde in the form of glucosides such as salich (5, 6). It is possible that there are other more important allergens in the barks of aspen and villows, e.g. these glucosides. Extractsoluble. Especially, salicylaldehyde may have been under-extracted in our experiment.
It is possible that the allergic reactions to salicylaldehyde and salicylalcollol were due to crossaldenyde probably have yielded more salicyl alcohol and temperature, when the 22 3 3 3.44 than extracting 304 4306 water and chanci would chemicals hemicals are poorly

of fragrance contact allergy, and the reaction to salloyl alcohol was stronger than those to sall-cylaidehyde and balsam of Fern. We conclude at FIGH reacted only to salicyl alcohol and not to salicylablehyde (1), invouring the possibility of simultaneous sensitization. It is possible that the The patient was exposed to both of the chemicals in equal amounts. The first aspen-allergic patient allergy and not due to simultaneous sensitization. aspen, rowan and willows. alcohol and gic contact demnitivis from exposure to salley that our patient probably had occupational afterpresent patient was primarily sensitized to fragrances, but he had not had typical symptoms salicylaldehyde direction in the Darks of

This is the second case of coutact allergy from aspen bark caused by salicyl alcohol. At the time of life first case, the analysis of aspen bark by gas chromatography and mass spectrometry yielded 4 chemicals of which the allergen, salicyl alcohol, was identified by patch testing (1). The other 3

inidehyde. Both of the patients had positive reactions to balsam of Francisch We could not find salicyl a alcohol or salicylaidehyde in the tests of substance of bulsam of Feru. The patch tests of the present patient did not include benegic acid or the present patient did not include benegic acid or benzyl benzoate, the common constituents of sepen back and bulsam of Peru (7). These rare putient, the present patient also reacted to sulley-laidehyde. Both of the patients had positive first ones (1) soft at Sunsai upited to can beauth teams in the chemiculs were salicylaldehyde, benzole acid and benzoate (1) in contrast to 1330 83.0

recommended to be used to screen for contact allergy to aspen bark. Thus, it should be added to the patch test series of forest workers in areas where uspen is growing. These contact allergens are also found in rowan and willows, although in lower concentrations than in aspen. Besides salicyl alcohol, salicylaldehyde is also

References

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 Amenthylol phenotic and 24,6-trimethylol phenotic in the guines pig. Control and control an ,3
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